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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,027	03/25/2004	Gary Hunsinger	303086.3010121	7782
44331 7590 03/15/2007 HISCOCK & BARCLAY, LLP 2000 HSBC PLAZA 100 Chestnut Street ROCHESTER, NY 14604-2404			EXAMINER PHAM, MINH CHAU THI	
			ART UNIT 1724	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			03/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/809,027

Applicant(s)

HUNSINGER, GARY

Examiner

Minh-Chau T. Pham

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 and 10-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Rotheiser et al (5,935,281).

Rotheiser et al teach an air cleaner (10) comprising a lower retaining segment (16), an upper retaining segment (18) and a filtration member (20), and the lower retaining segment further comprises an air cleaner coupling means for coupling the air cleaner to the air cleaner receptacle, and the lower retaining means segment and the air coupling means being integrally formed from a single material (see 80A in Figs. 1 & 3). Rotheiser et al further teach the coupling means further comprising threaded portion (see Figs. 1 & 3). Rotheiser et al also teach a method of coupling an air cleaner to an air receptacle comprising the steps of inserting a coupling means into a threaded receptacle means, rotating the air cleaner within an air cleaner receptacle until adequate secured.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 13 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Ham (6,991,112 B2).

Ham teaches an air cleaner having a lower retaining segment (14b), an upper retaining segment (14a), a filtration member (12), an air cleaner coupling means – projections not labeled (in Fig. 6a) integral with lower retaining segment (14b), and the filter cartridge is disposable (see col. 5, line 50).

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by any one of Merritt et al (5,919,279), Keller et al (5,509,948), Dudley et al (5,275,636) and Boeckermann et al (5,112,372).

Merritt et al teach an air cleaner having a lower retaining segment (46), an upper retaining segment (44), a filtration member (18), an air cleaner coupling means (62) integral with lower retaining segment (46) (see details of Fig. 2).

Keller et al teach an air cleaner (16) having a lower retaining segment (15), an upper retaining segment (14), a filtration member (20), an air cleaner coupling means (28) integral with lower retaining segment (15), and the filter cartridge is disposable (first line of Abstract) (see details of Fig. 1).

Dudley et al teach an air cleaner having a lower retaining segment (22), an upper retaining segment (20), a filtration member (14), an air cleaner coupling integral with lower retaining segment (22), and the filter cartridge is disposable (see first line of the Abstract) (see details of Fig. 1).

Boeckermann et al teach an air cleaner having a lower retaining segment (20), an upper retaining segment (19), a filtration member (16), an air cleaner coupling (24) integral with lower retaining segment (20) (see details of Fig. 1).

Response to Arguments

Applicant's arguments filed on January 5, 2007 have been fully considered but they are not persuasive.

Applicant argues that none of the cited references Alseth or Hoffman discloses "a fully disposable filter cartridge with no removable parts, wherein a lower retaining segment and the air cleaner coupling means are integrally formed from a single material". The Examiner now drops both Alseth and Hoffman references and newly introduces Rotheiser et al (5,935,281), Ham (6,991,112 B2), Merritt et al (5,919,279), Keller et al (5,509,948), Dudley et al (5,275,636) and Boeckermann et al (5,112,372) under the 102(a) and 102(e) rejections of the claims as below:

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Rotheiser et al (5,935,281).

Rotheiser et al teach an air cleaner (10) comprising a lower retaining segment (16), an upper retaining segment (18) and a filtration member (20), and the lower retaining segment further comprises an air cleaner coupling means for coupling the air cleaner to the air cleaner receptacle, and the lower retaining means segment and the air coupling means being integrally formed from a single material (see 80A in Figs. 1 & 3). Rotheiser et al further teach the coupling means further comprising threaded portion (see Figs. 1 & 3), as claimed. Rotheiser et al also teach a method of coupling an air cleaner to an air receptacle comprising the steps of inserting a coupling means into a threaded receptacle means, rotating the air cleaner within an air cleaner receptacle until adequate secured, as claimed.

Claims 1, 13 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Ham (6,991,112 B2).

Ham teaches an air cleaner having a lower retaining segment (14b), an upper retaining segment (14a), a filtration member (12), an air cleaner coupling means – projections not labeled (in Fig. 6a) integral with lower retaining segment (14b), and the filter cartridge is disposable (see col. 5, line 50), as claimed.

Claims 1, 3 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by any one of Merritt et al (5,919,279), Keller et al (5,509,948), Dudley et al (5,275,636) and Boeckermann et al (5,112,372), as claimed.

Merritt et al teach an air cleaner having a lower retaining segment (46), an upper retaining segment (44), a filtration member (18), an air cleaner coupling means (62) integral with lower retaining segment (46) (see details of Fig. 2), as claimed.

Keller et al teach an air cleaner (16) having a lower retaining segment (15), an upper retaining segment (14), a filtration member (20), an air cleaner coupling means (28) integral with lower retaining segment (15), and the filter cartridge is disposable (first line of Abstract) (see details of Fig. 1), as claimed.

Dudley et al teach an air cleaner having a lower retaining segment (22), an upper retaining segment (20), a filtration member (14), an air cleaner coupling integral with lower retaining segment (22), and the filter cartridge is disposable (see first line of the Abstract) (see details of Fig. 1), as claimed.

Boeckermann et al teach an air cleaner having a lower retaining segment (20), an upper retaining segment (19), a filtration member (16), an air cleaner coupling (24) integral with lower retaining segment (20) (see details of Fig. 1), as claimed.

Applicant's arguments with respect to claims 1-8 and 10-20 have been thoroughly considered but are moot in view of the new ground(s) of rejection, as discussed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh-Chau T. Pham whose telephone number is (571) 272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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A handwritten signature in black ink, appearing to read 'Minh-Chau Pham', written in a cursive style.

Minh-Chau Pham

Patent Examiner

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March 13, 2007